

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Saldana

February 13, 2009

An act to add Section 30825 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Saldana. Coastal resources: coastal development permits: penalties.

The California Coastal Act of 1976 requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures. The act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing.

The bill would require that if a person applying for a coastal development permit has a record of unresolved violations of the act, that person would be ineligible to submit an application for a permit until the violations have been resolved. The bill would also provide that this requirement would not apply if the executive director of the commission determines that the application includes a provision that would fully resolve the violation consistent with the act. *The bill would require the commission to resolve any unresolved dispute between the*

executive director and an applicant regarding the implementation of the above provision at a noticed hearing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30825 is added to the Public Resources
2 Code, to read:
3 30825. (a) A person who has been issued a notice of intent,
4 cease and desist order, restoration order, or a notice of violation
5 pursuant to Section 30809, 30810, 30811, or 30812, in addition
6 to any other penalties, shall be ineligible to submit an application
7 for a coastal development permit until the violation has been
8 resolved.
9 (b) Subdivision (a) does not apply if the executive director
10 determines that the application includes a provision that would
11 fully resolve the violation consistent with this division.
12 (c) *Any unresolved dispute between the executive director and*
13 *an applicant regarding the implementation of this section shall be*
14 *resolved by the commission at a noticed hearing pursuant to*
15 *subdivision (d) of Section 13056 of Title 14 of the California Code*
16 *of Regulations.*